

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

RONALD L. MAHANY

Serial No.: 10/057,816

Confirmation No.: 4621

Filed: January 24, 2002

For: REMOTE RADIO DATA
COMMUNICATION SYSTEM WITH
DATA RATE SWITCHING

Examiner: Nguyen Thanh Vo

Group Art Unit: 2685

**CONTINGENT PETITION TO REVIVE UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. §1.137(b)**

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

Applicant hereby respectfully requests, in an abundance of caution in the event that it is necessary, the revival of the above-identified application (the "Application"). This request is being made in light of Applicant's failure to reply to a Notice of Non-Compliant Amendment (37 C.F.R. §1.121) (the "Notice") mailed July 12, 2005 following the filing on June 27, 2005 of a response to the Office Action mailed March 28, 2005. The due date of the reply to the Notice was August 12, 2005. A copy of the Notice is attached.

The Applicant respectfully submits the following for consideration in this request:

1. The Applicant respectfully submits that the Notice was not received by the Applicant, that the Applicant did not learn of the issuance of the Notice until April 12, 2006, and that Applicant's failure to respond is through no fault of the Applicant.

2. The Applicant's representative spoke with Examiner Nguyen Thanh Vo regarding the status of the Application, in a telephone interview on April 17, 2006. Examiner Vo stated that at that time, according to USPTO records, the Application was not shown to be abandoned.

3. The Applicant is filing on the date shown below and under separate cover, a Response to Notice of Non-Compliant Amendment (the "Response"), including an "Amendments to the Claims" section containing a complete listing of all of the claims in the Application as of June 27, 2005, the original filing date of the response to the Office action mailed March 28, 2005, as required by the Notice. The Response is accompanied by a Petition for Extension of Time Under 37 C.F.R. §1.136(a) and the required fee of \$2,160 set forth under 37 C.F.R. §1.17(a)(5), for a five month extension of time. If granted, this extends the deadline for response to the Office Action of March 28, 2005 to the latest date allowed by statute, September 28, 2005.

4. The Commissioner is hereby authorized to charge the fee of \$1,500.00 as set forth in 37 C.F.R. §1.17(m) for this petition to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

5. The Applicant respectfully submits that the entire delay in filing the required reply to the Notice, from the due date of the reply, August 12, 2005, until the filing of this petition under 37 C.F.R. 137(b), was unintentional.

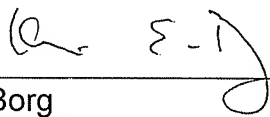
The Applicant respectfully requests that any questions in this matter be directed to Kevin E. Borg or Christopher C. Winslade at the telephone number shown below.

Appl. Ser. No. 10/057,816
Filed: January 24, 2002
Contingent Petition to Revive, dated April 24, 2006

The Commissioner is hereby authorized to charge any additional fees in connection with this matter to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Dated: April 24, 2006

Respectfully submitted,



Kevin E. Borg
Reg. No. 51,486

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